

# **Waiver/Accommodation Process for Interagency Permanent/Career Seasonal/Term**

## **Criteria and Process**

### **Purpose**

The following identifies the waiver/accommodation process for Permanent/Career Seasonal/Term (Perm/CS/Term) applicants who do not meet the Federal Interagency Wildland Firefighter Medical Qualification Standards (hereafter referred to as Interagency medical standards program). The following also identifies the criteria that will be utilized to assist the local Fire Management Officer/designee (FMO) and local Servicing Personnel Officer/designee (SPO) in constructing a draft waiver/accommodation memo for review/concurrence by the Bureau FFAST member and the Interagency Medical Standards Program Manager.

This guidance only applies to permanent, career seasonal, and term employees that are primary or collateral (e.g. militia) for arduous wildland fire duties.

### **Background**

5CFR339 affords the waiver/accommodation process to applicants/incumbents in a permanent, career seasonal, or term position.

### **Criteria**

1. **Medical condition and ability to safely and efficiently perform the tasks:** Given the medical condition or physical limitation which does not meet the Interagency medical standards and therefore a disqualifying factor, describe with convincing evidence how the applicant can perform the essential functions of the job efficiently and safely, without hazard to themselves or others.
2. **Qualifications, Experience and Training:** Describe the Perm/CS/Term applicant's relevant employment history, qualifications (per NWCG 310-1), experience, and training in wildland fire or closely related activities (such as mechanical fuels reduction). Include all satisfactory performance indicators in the same/similar type of job tasks with similar physical and environmental demands.
3. **Significant Threshold Shifts:** If known, describe any changes in the Perm/CS/Term applicant's health status between wildland firefighting seasonal employment s.
4. **Medical Condition is Static and Stable:** If known, describe whether or not the medical condition is static and stable; and has reached the level of maximum recovery with or without medications.
5. **Conditions of Employment:** Describe whether the conditions of employment exceed the limitations of any medical or assistive device (e.g. working alone, 24 hour on call, remote, desolate geographic and rural areas, no ready access to food, water, shelter or medical facilities, irregular, protracted and extended hours of work, exposure to extreme

heat and environmental contaminants, inhalation exposures to smokes and combustion products, carrying heavy equipment, life threatening situations that require maximum physical exertion without warning, etc.)

6. **Physical Limitation:** Describe whether or not any physical limitation, defect or abnormality materially interferes with the individual's ability to perform the full range of wildland firefighting work safely and efficiently.
7. **Body Stature and PPE:** Describe whether or not an individual's stature or body symmetry exceeds the limitations of any personal protective equipment (e.g. Nomex, fire shelters, tools) they are required to use or wear.
8. **ADA Determination:** If the Perm/CS/Term applicant brings forward information meeting the requirements of a disabled person as defined in the Americans with Disabilities Act, describe whether the medical condition may be reasonably accommodated without undue hardship to wildland firefighting operations.

## **Process**

**Interagency Medical Standards Program Manager:** Upon receipt of non-clearance information from the Interagency Medical Review Officer/Central Medical Consultant, the Interagency Medical Standards Program Manager will notify the local FMO and SPO. Release of specific non-clearance medical information will occur only after the local FMO and SPO have signed Confidentiality Agreements with the Interagency Medical Standards Program Manager. The Interagency Medical Standards Program Manager provides notification of concurrence/nonoccurrence of the final draft waiver/accommodation memo to the local SPO.

**Local SPO:** Upon receipt of the non-clearance information from the Interagency Medical Standards Program Manager, the local SPO will notify the Perm/CS/Term applicant of the opportunity to request the waiver/accommodation process. The Perm/CS/Term applicant will have 30 working days to respond to the local SPO notification. If the Perm/CS/Term applicant responds within the 30 working days, the local SPO and local FMO with information provided by the Perm/CS/Term applicant (within 30 working days of initial notification) create the draft waiver/accommodation memo using the criteria listed above. The local SPO will forward the draft waiver/accommodation memo to the Interagency Medical Standards Program Manager for review/concurrence.

*Note:* The Job Vacancy Opening is not required to be held for the Perm/CS/Term applicant UNLESS the applicant is a preference eligible. Due to the time sensitive limitations of the Perm/CS/Term process, the local SPO may offer the appointment, subject to medical qualification, to the next applicant.

**Local FMO:** Coordinate with the Local SPO to create the draft waiver/accommodation memo with information provided by the Perm/CS/Term applicant.

**Bureau FFAST Representative:** With the Interagency Medical Standards Program Manager, reviews/concurs with the draft waiver/accommodation memo forwarded from the local SPO.